

Consideration of preliminary adoption of 312 IAC 26-6 to assist with implementation of the Sportsmen's Benevolence Account; Administrative Cause No. 13-112L

The Division of Law Enforcement proposes new 312 IAC 26-6 to assist with implementation of the Sportsmen's Benevolence Account. The Account was established in 2010 and codified at IC 14-9-5-4, as a fund within the Division of Law Enforcement, to encourage citizen participation in feeding the state's hungry through donations of wild game that has been lawfully hunted. Effective July 1, 2013, SEA 364 amended IC 14-9-5-4 to provide a system of grants and other support for the Account. The proposed rule would identify white-tailed deer taken lawfully in Indiana as the species qualified for grants and regulated through the program. A temporary rule has been approved by the DNR Director to implement the program later this year and into 2014.

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule

LSA Document #13-

DIGEST

Adds 312 IAC 26-6 to establish and administer the distribution of grants from the Indiana Sportsmen's Benevolence Account established by IC 14-9-5-4(b). Effective 30 days after filing with the Publisher.

312 IAC 26-6

SECTION 1. 312 IAC 26-6 IS ADDED TO READ AS FOLLOWS:

Rule 6. Sportsmen's Benevolence Fund

312 IAC 26-6-1 Definitions

Authority: IC 14-10-2-4; IC 14-9-5-4

Affected: IC 14-9-5-4; IC 14-22-12-1

Sec. 1. In addition to the definitions in IC 14-8 and 312 IAC 1, the following definitions apply to this rule:

- (a) "Division" means the division of law enforcement established by IC 14-9-4-1.
- (b) "Division director" means the director of the division appointed under IC 14-9-8-6.
- (c) "Fund" means the Indiana sportsmen's benevolence account established by IC 14-9-5-4(b).
- (d) "Grantee" refers to a qualified organization that receives a grant under this rule.
- (e) "Qualified organization" means a corporation, with exemption status under 26 USC 501(c)(3), that is incorporated in Indiana and that has as a purpose the processing of wild animal food products for the state's hungry.

(f) “White-tailed deer” means the species *Odocoileus virginianus*. (*Natural Resources Commission; 312 IAC 26-6-1*)

312 IAC 26-6-2 Administration of sportsmen’s benevolence fund

Authority: IC 14-10-2-4; IC 14-9-5-4

Affected: IC 14-9-5-4, IC 14-22-12-1

Sec. 2. (a) This rule governs a grant made through the fund.

(b) This rule and the fund are administered by the division.

(c) The fund shall be used to provide:

(1) Reimbursement to a qualified organization for work performed by a participating meat processor.

(2) Reimbursement to the division for expenditures incurred while administering, promoting or supporting the fund.

(3) Program community outreach and education through public information avenues.

(d) An activity governed by LSA Document #13-____(E) is exempted from this rule.

(*Natural Resources Commission; 312 IAC 26-6-2*)

312 IAC 26-6-3 Eligibility requirements

Authority: IC 14-10-2-4; IC 14-9-5-4

Affected: IC 14-9-5-4, IC 14-22-12-1

Sec. 3. (a) To qualify for a grant under this rule, a qualified organization must:

(1) Submit an application to the division on a departmental form. Except as provided in subsection 4(d) of this rule, only complete requests received timely by the division on an approved application form shall be considered for funding.

(2) Show compliance with the definition of a qualified organization.

(3) Provide a project description for use of the grant, including the amount of the proposed project.

(4) Document estimated costs for each stage of the project

(5) Provide a written proposal for any work to be performed by a participating meat processor.

(b) Upon reasonable request by the division, a grantee and a participating meat processor must provide access to and copies of all records that show the acquisition of a wild animal and disbursement of the meat and funds.

(c) Only ground venison from white-tailed deer taken in Indiana qualifies as a reimbursable consumable product. Ground venison must be provided to the state’s hungry in either one (1) or two (2) pound packages which are marked clearly on the outside:

Donated Sportsmen’s Benevolence Fund Venison – Not for Resale

A member of the state’s hungry must not receive more than ten (10) pounds of ground venison each week.

(d) A grantee must use a meat processor with a facility that:

(1) is subject to inspection by the Indiana board of animal health under IC 15-17-5-1 to produce food for human consumption; and

(2) complies with the requirements of the weights and measures program of the Indiana state department of health.

(e) A grantee must keep true and accurate records of the number of donors, pounds of donated venison, and charitable recipient group. The records must be submitted to the division by May 1 following the taking of the white-tailed deer. The records must be made available to a conservation officer at all reasonable hours, and copies must be provided to a conservation officer upon request.

(f) If a grantee or the grantee's participating meat processor violates IC 14-9-5-4 or this rule, the department may:

(1) terminate the grant; and

(2) demand that funds allocated under this rule be returned immediately to the division. (*Natural Resources Commission; 312 IAC 26-6-3*)

312 IAC 26-6-4 Grant reconciliations based upon available funding

Authority: IC 10-2-4; IC 14-9-5-4

Affected: IC 14-9-5-4, IC 14-22-12-1

Sec. 4. (a) The division shall not make grant awards that exceed funding anticipated by IC 14-9-5-4 and this rule.

(b) Except as provided in subsection (d), the division shall not award a grant other than as provided in subsection 2(c) and subsection 3(a) of this rule.

(c) To achieve compliance with subsection (a), the division shall consider:

(1) The number of meals which a qualified organization proposes to deliver to the state's hungry.

(2) The history of success by a qualified organization in delivery of meals to the state's hungry, including compliance with IC 14-9-5-4 and this rule.

(3) The economic efficiency of a qualified organization in achieving delivery of meals to the state's hungry.

(4) Geographic balance within Indiana in providing meals to the state's hungry.

(5) Any other factor that reasonably serves the purposes of IC 14-9-5-4 and this rule.

(d) If available funding exceeds awards to grantees that comply with subsection 3(a) of this rule, the division may make supplemental awards that are not otherwise inconsistent with IC 14-9-5-4 and this rule. Requests for supplemental awards shall be considered in the order the division receives the requests. (*Natural Resources Commission; 312 IAC 26-6-4*)

312 IAC 26-6-5 Schedule for grant applications, actions on applications, and actions concerning approved grants

Authority: IC 10-2-4; IC 14-9-5-4

Affected: IC 14-9-5-4, IC 14-22-12-1

Sec. 5. The following schedule governs applications, actions on applications, and actions concerning approved grants:

(a) An application for annual hunting season participation must be made by a person that is a qualified organization and filed with the division by June 1 prior to the hunting season.

(b) By July 1, the division shall announce whether an application is approved, approved with conditions, or denied.

(c) By August 1, a grantee must make a budget submission to the division.

(d) By October 31, the division shall distribute 75% of the grant amount to the grantee.

(e) By December 31, the grantee must submit invoices to the division with respect to the anticipated asset and liability status for grant cycle.

(f) By January 30, the grantee must request the remaining grant percentage (not to exceed twenty-five percent (25%)) or make repayment to the division for any distribution overage.

(g) By April 1 following the taking of a white-tailed deer, a grantee must make final distribution of venison.

(h) By May 1, a grantee shall make its final annual report to the division.

(i) By May 15, the division director shall provide a final report of fund expenditures, families affected, historical perspectives, and goals accomplished during the preceding fiscal year. (*Natural Resources Commission; 312 IAC 26-6-5*)